



From-elan drug delivery



+6103138845

T-133 P.007/015 F-346

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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18

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

This Office Action is in response to Paper # 17, filed July 8, 2002, and the sequence listing filed June 28, 2002.

The communication filed June 28, 2002 is not fully responsive to the Office communication mailed January 2, 2002 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or Raw Sequence Listing Error Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the above-mentioned reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

APPLICANTS SHOULD SEND THE DISK TO THE ARLINGTON ADDRESS HIGHLIGHTED ON THE CFR PROBLEM REPORT. APPLICANTS APPEAR TO BE SENDING THE DISK TO THE DC ADDRESS, WHEREIN THE DISK PASSES THROUGH THE POST OFFICE'S BRENTWOOD FACILITY WHERE IT IS IRRADIATED FOR ANTHRAX AND THEREBY DAMAGED.

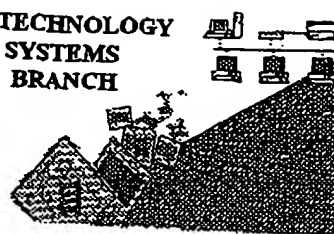
Also noted is that Applicants have submitted amendments wherein the amino acid sequence is provided using the single letter code rather than the triple letter code as required under 37 CFR 1.821. Correction of these and any other single letter reference to amino acids is required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Cochrane Carlson, Ph.D., whose telephone number is (703) 308-0034. The examiner can normally be reached Monday-Friday from 6:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, Ph.D., can be reached on (703) 308-2923. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Karen Cochrane Carlson (Ph.D.)
KAREN COCHRANE CARLSON, PH.D.
PRIMARY EXAMINER

BIOTECHNOLOGY
SYSTEMS
BRANCH

p#15

**RAW SEQUENCE LISTING
ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/443,986B
 Source: Lee Rush
 Date Processed by STIC: 7/2/2002

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER
VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND
 TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/efb/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
 U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
 Or
 U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

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JUL 08 2002

TECH CENTER 1600/2900



1600

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/443,986B

DATE: 07/02/2002

TIME: 10:17:32

Input Set : A:\EP.txt

Output Set: N:\CRF3\07022002\I443986B.raw

Does Not Comply

Corrected Diskette Needed

3 <110> APPLICANT: Elan Corporation
4 O'Mahony, Daniel J.
6 <120> TITLE OF INVENTION: RETRO-INVERSION PEPTIDES THAT TARGET GIT TRANSPORT RECEPTORS
ND RELATED
7 METHODS
9 <130> FILE REFERENCE: 99.1064.US/E1067/20019
11 <140> CURRENT APPLICATION NUMBER: US 09/443,986B
12 <141> CURRENT FILING DATE: 1999-11-19
14 <160> NUMBER OF SEQ ID NOS: 85
16 <170> SOFTWARE: PatentIn version 3.1
18 <210> SEQ ID NO: 1
19 <211> LENGTH: 15
20 <212> TYPE: PRT
21 <213> ORGANISM: Artificial
23 <220> FEATURE:
24 <223> OTHER INFORMATION: PAX2 15 mer fragment-D form retroinversion
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34 <212> TYPE: PRT
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37 <220> FEATURE:
38 <223> OTHER INFORMATION: P31 16 mer fragment- D form retroinversion
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43 1 5 10 15
46 <210> SEQ ID NO: 3
47 <211> LENGTH: 14
48 <212> TYPE: PRT
49 <213> ORGANISM: Artificial
51 <220> FEATURE:
52 <223> OTHER INFORMATION: HAX42 14 mer fragment-D form retroinversion
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60 <210> SEQ ID NO: 4
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62 <212> TYPE: PRT
63 <213> ORGANISM: Artificial
65 <220> FEATURE:
66 <223> OTHER INFORMATION: PAX2 15 mer fragment
68 <400> SEQUENCE: 4

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/443,986B

DATE: 07/02/2002

TIME: 10:17:32

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Output Set: N:\CRF3\07022002\I443986B.raw

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71 1 5 10 15
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85 1 5 10 15
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89 <211> LENGTH: 14
90 <212> TYPE: PRT
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93 <220> FEATURE:
94 <223> OTHER INFORMATION: HAX42 14 mer fragment
96 <400> SEQUENCE: 6
98 Pro Gly Asp Tyr Asn Cys Cys Gly Asn Gly Asn Ser Thr Gly
99 1 5 10
102 <210> SEQ ID NO: 7
103 <211> LENGTH: 40
104 <212> TYPE: PRT
OK> 105 <213> ORGANISM: Artificial
107 <220> FEATURE:
108 <223> OTHER INFORMATION: PAX2 full length
110 <400> SEQUENCE: 7
112 Ser Thr Pro Pro Ser Arg Glu Ala Tyr Ser Arg Pro Tyr Ser Val Asp
113 1 5 10 15
116 Ser Asp Ser Asp Thr Asn Ala Lys His Ser Ser His Asn Arg Arg Leu
117 20 25 30
120 Arg Thr Arg Ser Arg Pro Asn Gly
121 35 40
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126 <212> TYPE: PRT
--> 127 <213> ORGANISM: Artificial
129 <220> FEATURE:
130 <223> OTHER INFORMATION: HAX42 full length with additional L-Lysine
132 <220> FEATURE:
133 <221> NAME/KEY: MOD_RES
134 <222> LOCATION: (1)..(1)
135 <223> OTHER INFORMATION: Dansylated L-Lysine
138 <400> SEQUENCE: 8
140 Ser Asp His Ala Leu Gly Thr Asn Leu Arg Ser Asp Asn Ala Lys Glu
141 1 5 10 15
144 Pro Gly Asp Tyr Asn Cys Cys Gly Asn Gly Asn Ser Thr Gly Arg Lys
145 20 25 30
148 Val Phe Asn Arg Arg Arg Pro Ser Ala Ile Pro Thr

"Ser" is at location 1

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/443,986B

DATE: 07/02/2002

TIME: 10:17:32

Input Set : A:\EP.txt

Output Set: N:\CRF3\07022002\I443986B.raw

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154 <212> TYPE: PRT
155 <213> ORGANISM: Artificial
157 <220> FEATURE:
158 <223> OTHER INFORMATION: Zelan 144; PAX2 15 mer fragment-D form retroinversion with
addi
159          tional L-lysine in position 1
161 <220> FEATURE:
162 <221> NAME/KEY: MOD_RES
163 <222> LOCATION: (1)..(1)
164 <223> OTHER INFORMATION: Dansylated L-lysine
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170 1          5          10          15
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175 <212> TYPE: PRT
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additi
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182 <220> FEATURE:
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184 <222> LOCATION: (1)..(1)
185 <223> OTHER INFORMATION: dansylated L-lysine
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200 <212> TYPE: PRT
201 <213> ORGANISM: Artificial
203 <220> FEATURE:
204 <223> OTHER INFORMATION: Zelan 146; HAX42 14 mer fragment-D form retroinversion with
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205          ional L-Lysine in position 1
207 <220> FEATURE:
208 <221> NAME/KEY: MOD_RES
209 <222> LOCATION: (1)..(1)
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219 <210> SEQ ID NO: 12
220 <211> LENGTH: 16
221 <212> TYPE: PRT
222 <213> ORGANISM: Artificial
224 <220> FEATURE:

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RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/443,986B

DATE: 07/02/2002

TIME: 10:17:32

Input Set : A:\EP.txt

Output Set: N:\CRF3\07022002\I443986B.raw

225 <223> OTHER INFORMATION: ZElan 129; PAX2 15 mer fragment with additional L-Lysine in
posi
226 tion 1
228 <220> FEATURE:
229 <221> NAME/KEY: MOD_RES
230 <222> LOCATION: (1)..(1)
231 <223> OTHER INFORMATION: dansylated L-Lysine
234 <400> SEQUENCE: 12
236 Lys Thr Asn Ala Lys His Ser Ser His Asn Arg Arg Leu Arg Thr Arg
237 1 5 10 15
240 <210> SEQ ID NO: 13
241 <211> LENGTH: 17
242 <212> TYPE: PRT
Q- 243 <213> ORGANISM: Artificial
245 <220> FEATURE:
246 <223> OTHER INFORMATION: ZElan 031; P31 16 mer fragment with additional L-Lysine in
positi
247 on 1
249 <220> FEATURE:
250 <221> NAME/KEY: MOD_RES
251 <222> LOCATION: (1)..(1)
252 <223> OTHER INFORMATION: dansylated L-Lysine
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257 Lys Thr Arg Lys Ser Ser Arg Ser Asn Pro Arg Gly Arg Arg His Pro
258 1 5 10 15
261 Gly
265 <210> SEQ ID NO: 14
266 <211> LENGTH: 15
267 <212> TYPE: PRT
Q- 268 <213> ORGANISM: Artificial
270 <220> FEATURE:
271 <223> OTHER INFORMATION: ZElan 091; HAX42 14 mer fragment with additional L-lysine in
posi
272 tion 1
274 <220> FEATURE:
275 <221> NAME/KEY: MOD_RES
276 <222> LOCATION: (1)..(1)
277 <223> OTHER INFORMATION: dansylated L-lysine
280 <400> SEQUENCE: 14
282 Lys Pro Gly Asp Tyr Asn Cys Cys Gly Asn Gly Asn Ser Thr Gly
283 1 5 10 15
286 <210> SEQ ID NO: 15
287 <211> LENGTH: 40
288 <212> TYPE: PRT
Q- 289 <213> ORGANISM: Artificial
291 <220> FEATURE:
292 <223> OTHER INFORMATION: PAX2 full length with additional L-lysine in position 1
294 <220> FEATURE:
295 <221> NAME/KEY: MOD_RES
296 <222> LOCATION: (1)..(1)
297 <223> OTHER INFORMATION: dansylated L-Lysine
300 <400> SEQUENCE: 15

Ser is at location 1

see p.5

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/443,986B

DATE: 07/02/2002

TIME: 10:17:32

Input Set : A:\EP.txt

Output Set: N:\CRF3\07022002\I443986B.raw

302 Ser Thr Pro Pro Ser Arg Glu Ala Tyr Ser Arg Pro Tyr Ser Val Asp
303 1 5 10 15
306 Ser Asp Ser Asp Thr Asn Ala Lys His Ser Ser His Asn Arg Arg Leu
307 20 25 30
310 Arg Thr Arg Ser Arg Pro Asn Gly
311 35 40

314 <210> SEQ ID NO: 16

315 <211> LENGTH: 44

316 <212> TYPE: PRT

317 <213> ORGANISM: Artificial

319 <220> FEATURE:

320 <223> OTHER INFORMATION: S15 44 mer fragment L-form

322 <400> SEQUENCE: 16

324 Arg Ser Gly Ala Tyr Glu Ser Pro Asp Gly Arg Gly Gly Arg Ser Tyr
325 1 5 10 15

328 Val Gly Gly Gly Gly Gly Cys Gly Asn Ile Gly Arg Lys His Asn Leu
329 20 25 30

332 Trp Gly Leu Arg Thr Ala Ser Pro Ala Cys Trp Asp
333 35 40

336 <210> SEQ ID NO: 17

337 <211> LENGTH: 44

338 <212> TYPE: PRT

339 <213> ORGANISM: Artificial

341 <220> FEATURE:

342 <223> OTHER INFORMATION: S21 44 mer fragment L-form

344 <400> SEQUENCE: 17

346 Ser Pro Arg Ser Phe Trp Pro Val Val Ser Arg His Glu Ser Phe Gly
347 1 5 10 15

350 Ile Ser Asn Tyr Leu Gly Cys Gly Tyr Arg Thr Cys Ile Ser Gly Thr
351 20 25 30

354 Met Thr Lys Ser Ser Pro Ile Tyr Pro Arg His Ser
355 35 40

358 <210> SEQ ID NO: 18

359 <211> LENGTH: 44

360 <212> TYPE: PRT

361 <213> ORGANISM: Artificial

363 <220> FEATURE:

364 <223> OTHER INFORMATION: S22 44 mer fragment L-form

366 <400> SEQUENCE: 18

368 Ser Ser Ser Ser Asp Trp Gly Gly Val Pro Gly Lys Val Val Arg Glu
369 1 5 10 15

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373 20 25 30

376 Gly Lys Pro Asn Pro Cys Pro Glu Pro Lys Ala Ala
377 35 40

380 <210> SEQ ID NO: 19

381 <211> LENGTH: 44

382 <212> TYPE: PRT

383 <213> ORGANISM: Artificial

RAW SEQUENCE LISTING ERROR SUMMARY
PATENT APPLICATION: US/09/443,986BDATE: 07/02/2002
TIME: 10:17:33

Input Set : A:\EP.txt

Output Set: N:\CRF3\07022002\I443986B.raw

Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:73; Xaa Pos. 1,3,4,6,7,8,10

Seq#:74; Xaa Pos. 2,4,7,8

Seq#:75; Xaa Pos. 7,8

Invalid Line Length:

The rules require that a line not exceed 72 characters in length. This includes spaces.

Seq#:1; Line(s) 6

Invalid <213> Response:

Use of "Artificial" only as "<213> Organism" response is incomplete, per 1.823(b) of New Sequence Rules. Valid response is Artificial Sequence.

Seq#:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27
Seq#:28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51
Seq#:52,53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75
Seq#:76,77,78,79,80,81,82,83,84,85

Application No.: 09/ 443986

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: the specification and the claims do not have sequence identification numbers at each sequence as required by 37 CFR 1.821(d).

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE